



# The Gazette of India

PUBLISHED BY AUTHORITY

No. 24] NEW DELHI, SATURDAY, JUNE 16, 1956

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 9th June 1956:—

Issue No.	No. and date	Issued by	Subject
170	S.R.O. 1288, dated the 1st June, 1956.	Ministry of Commerce and Industry	Grant of recognition to the Om Exchange Limited, Delhi, in respect of forward contracts in groundnut oil.
171	S.R.O. 1289, dated the 31st May, 1956.	Ministry of Information and Broadcasting.	The Central Government certifies a film to be of the description specified therein.
172	S.R.O. 1290, dated the 31st May, 1956.	Election Commission India.	Amendment made in the notification No. 100/1/31/56 (2), dated the 5th May, 1956.
	S.R.O. 1291, dated the 31st May, 1956	Ditto	Amendment made in the notification No. 100/1/31/56 (1), dated the 5th May, 1956
173	S.R.O. 1292, dated the 29th May, 1956	Ditto	Amendment made in the notification No. 62/26/51-Elec. II (3), dated the 5th November, 1951.
174	S.R.O. 1293, dated the 4th June, 1956	Government of Ajmer	The District Board of the State of Ajmer shall consist of 44 members.
	S.R.O. 1294, dated the 4th June, 1956.	Ditto	List of members of the District Board of the State of Ajmer.
175	S.R.O. 1295, dated the 2nd June, 1956	Election Commission, India.	Amendment made in the notification No. 62/26/51-Elec. II (3), dated the 5th November 1951.
176	S.R.O., 1343, dated the 4th June, 1956	Ditto	Appointment of members of the Election Tribunal constituted for the trial of the petition presented by Shri Rikhab Chand against the election of Maulana Abdul Shakoor as Member of the Council of State.

Issue No.	No. and date	Issued by	Subject
177	S.R.O. 1344, dated the 7th June 1956.	Ministry of Finance (Revenue Division).	Exemption of exhaust fans, when imported, from so much of customs duty as in excess specified therein.
	S.R.O. 1345, dated the 7th June, 1956	Ditto	Amendment made in the notification No. 64-Customs, dated the 2nd April 1955.
178	S.R.O. 1346, dated the 8th June 1956	Ministry of Food and Agriculture.	The Central Government authorises the Collector of Bijnor to exercise, with respect to the Shiv Prasad Banarsidas Sugar Mills, control for purpose of production of Sugar.
179	S.R.O. 1347, dated the 7th June 1956	Ministry of Information and Broadcasting.	The Central Government certifies a film to be of the description specified therein.
180	S.R.O. 1348, dated the 7th June, 1956	Election Commission India.	Final list of candidates for election to the House of the People from the Shahdol-Sidhi constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these **Gazettes**.

### PART II—Section 3

#### Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

#### ELECTION COMMISSION, INDIA

New Delhi. the 6th June 1956

**S.R.O. 1352.**—It is hereby notified for general information that the Commission's notification No. 406/AA-2/54, dated the 6th February, 1956, regarding the withdrawal of the recognition of the Praja Party, Andhra, as a State Party for the purpose of allotment of symbol, published at page 178 of the *Gazette of India*, Part II—Section 3, dated the 18th February, 1956, is hereby cancelled.

[No. 406/AA-2/54.]

By Order,

P. S. SUBRAMANIAN, Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi-2, the 6th June 1956

**S.R.O. 1853.**—In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952) the Central Government hereby directs that the following amendments shall be made in the Notaries Rules, 1956, namely:—

In the said rules—

(a) in rule 8, after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) The Register of Notaries shall be in Form II A and the certificate of practice shall be in Form II B.”;

(b) after Form II, the following forms shall be inserted, namely:—

## “FORM II A

## Register of Notaries

[See rule 8(3)]

Sl. No.	Full Name and date of birth of Notary/	Residential and professional addresses of Notary	Date on which the name of No- tary is enter- red in the Re- gister	Qualifications of Notary	Area in which Notary may practise	Remarks

## FORM II B

## Certificate of Practice

[See rule 8(3)]

Pursuant to the provisions of the Notaries Act, 1952 (53 of 1952) and the Notaries Rules, 1956 made thereunder, the Central Government State Government hereby certifies that Shri..... who has declared his ordinary professional address to be..... has been duly appointed by the Central Government as a Notary on the..... day of..... 19....., State Government and is authorised to practise as such, subject to the provisions of the aforesaid

Act and Rules for a period of three years from this the....., day of..... 19.....in and throughout.....

Given under my hand and  
the seal of the Government  
of India

Government of..... (name of the State). this the..... day  
of..... 19.....

Government of India.  
Secretary to the Government of.....  
(name of the state).  
[No. F.3.(4)/J/II/56.]

New Delhi-2, the 8th June 1956

**S.R.O. 1354.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Delhi the enactments specified in the first column of the Schedule hereto annexed subject to the modifications, if any, specified in the corresponding entry in the second column thereof, and to the following provision, namely:—

References in the Punjab Relief of Indebtedness (Amendment) Act, 1940 (Punjab Act XII of 1940) to the State Government shall be construed as references to the Chief Commissioner of Delhi.

#### THE SCHEDULE

Name of Act I	Modifications 2
The Punjab Relief of Indebtedness (Amendment) Act, 1940 (Punjab Act XII of 1940).	<p>1. In section 2 for the words and figures "the Punjab Relief of Indebtedness Act, 1934", the words and figures "the Punjab Relief of Indebtedness Act, 1934, as extended to the State of Delhi" shall be substituted.</p> <p>2. In section 3—</p> <p>(i) for the words "Imperial Bank", the words "State Bank" shall be substituted; and</p> <p>(ii) for the words and figures "the Co-operative Societies Act, 1912" the words and figures "the Bombay Co-operative Societies Act, 1925, as extended to the State of Delhi" shall be substituted.</p> <p>3. In section 14, in clause (b) for the words, figures and brackets "commencement of the Punjab Relief of Indebtedness (Amendment) Act, 1940", the words, figures and brackets "date of the extension of the Punjab Relief of Indebtedness (Amendment) Act, 1940, to the State of Delhi" shall be substituted.</p> <p>4. In section 16, in clause (b), the words and figures "as defined in the Punjab Alienation of Land Act, 1900" and "every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, 1900, and" shall be omitted.</p> <p>.....</p>
The Punjab Relief of Indebtedness (Amendment) Act, 1942 (Punjab Act VI of 1942).	

The Punjab Relief of Indebtedness Act, 1934 (Punjab Act VII of 1934), as extended to the State of Delhi by the notification of the Government of India in the late Home Department No. 189/38, dated the 30th May, 1939, and amended by the Punjab Relief of Indebtedness (Amendment) Act, 1940 (Punjab Act XII of 1940), and the Punjab Relief of Indebtedness (Amendment) Act, 1942 (Punjab Act, VI of 1942), as hereby extended to the said State, is published as annexure to this notification.

## ANNEXURE

## THE PUNJAB RELIEF OF INDEBTEDNESS ACT, 1934

## PUNJAB ACT NO. VII OF 1934

(Received the assent of His Excellency the Governor on the 4th February, 1935, and that of His Excellency the Viceroy and Governor-General on the 5th April, 1935, and was first published in the Punjab Gazette, Extraordinary, of the 8th April, 1935.)

1	2	3	4
Year	No.	Short Title	Whether replaced or otherwise affected by legislation.
1934	VII	The Punjab Relief of Indebtedness Act, 1934	

*An Act to provide for the Relief of Indebtedness in the Punjab*

Whereas it is expedient to amend the law governing the relations between debtors and creditors;

And whereas the previous sanction of the Governor-General required under Section 80-A(3) of the Government of India Act and the previous sanction of the Governor required under Section 80-C of the said Act have been obtained;

It is hereby enacted as follows:—

## PART I—PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Punjab Relief of Indebtedness Act, 1934.

(2) This Part and Parts III, IV, V, VI, VII and VIII shall extend to the whole of the Punjab and Part II to such areas as the State Government may from time to time, by notification, direct.

(3) This Act shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. *Interpretation clause. (Definitions).*—In this Act, unless there is anything repugnant in the subject or context,

(1) “Court” or “Civil Court” includes a Court of insolvency a receiver appointed under the Provincial Insolvency Act, 1920, and an arbitrator appointed with the consent of the parties or by an order of a Court;

(2) “Interest” means rate of interest and includes the return to be made over and above what was actually lent whether the same as charged or sought to be recovered specifically by way of interest or otherwise;

(3) “Loan” means a loan whether of money or in kind, and includes any transaction which is, in the opinion of the court, in substance a loan

## PART II—INSOLVENCY PROCEDURE

3. *Amendment of Section 10 of the Provincial Insolvency Act, 1920.*—In section 10(1) of the Provincial Insolvency Act, 1920 (V of 1920), after the existing clause (a) the following clause shall be inserted—

“(aa) his debts amount to two hundred and fifty-rupees, and he satisfies the court that he is entitled to summary administration of his estate under section 74 of this Act; or”.

4. *Amendment of Section 74 of the Provincial Insolvency Act, 1920.*—In section 74 of the Provincial Insolvency Act, 1920, for the words “five hundred rupees” the words “two thousand rupees” shall be substituted.

## PART III—USURIOUS LOANS

5. *Amendment of the Usurious Loans Act, 1918.*—In section 3 of the Usurious Loans Act, 1918 (X of 1918)—

(i) for the word “and” in clause (a) of sub-section (1) the word “or” shall be substituted.

(ii) for the word “may” where it appears for the first time in sub-section (1) the word “shall” shall be substituted;

(iii) for the word “may” after the word “namely” in sub-section (1) the word “shall” shall be substituted;

(iv) to sub-section (2) the following clause shall be added namely:—

“(e) The Court shall deem interest to be excessive if it exceeds seven and a-half per centum per annum simple interest or is more than two per centum over the Bank rate, whichever is higher at the time of taking the loan, in the case of secured loans, or twelve and-a-half per centum per annum simple interest in the case of unsecured loans; Provided that the court shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the State Bank of India or any bank included in the Second Schedule to the Reserve Bank of India Act, 1934, or any banking company registered under the Indian Companies Act, 1913 prior to the first day of April, 1937, or any co-operative society registered under the Bombay Co-operative Societies Act, 1925, as extended to the State of Delhi.”

6. *Retrospective effect.*—The provisions of this part of the Act shall apply to all suits pending on or instituted after the commencement of this Act.

## PART IV—DEBT CONCILIATION BOARDS

7. (1) “Debt” includes all liabilities of a debtor in cash or in kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether mature or not, but shall not include debts incurred for the purposes of trade, arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any debt which is barred by the law of limitation, or debts due to co-operative banks or to co-operative societies or to the State Bank of India or to any banking company registered under the Indian Companies Act, 1913, prior to the first day of April, 1937, or any bank included in the Second Schedule to the Reserve Bank of India Act, 1934 other than debts transferred to such societies, banks or banking companies during the pendency of an application under section 9 in which such debts could be taken into consideration for the purposes of this Act, or debts transferred to such societies, banks or banking companies on or after the 2nd day of September, 1938, if in the opinion of the board such transfer was effected with a view to avoid the operation of this Act;

(2) “Debtor” means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner, or tenant of agricultural land, or a servant of a landowner, or of a tenant of agricultural land, or
- (ii) who earns his livelihood as a village manual paid in cash or kind for work connected with agriculture or,

(iii) whose total assets do not exceed five thousand rupees:

Provided that a member of a tribe, notified as agricultural under the Punjab Alienation of Land Act, 1900 (XIII of 1900), shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

*Explanation (II of 1900).*—(i) A debtor shall not lose his status as such through involuntary unemployment or an account of incapacity, temporary or permanent, by bodily infirmity, or if he is or has been in service of Military or Naval or Air Forces, of the Union only on account of his pay and allowances or pension exceeding his income from agricultural sources.

(ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.

(iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.

(3) "Agriculture" shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry, or bees, and the growth of fruit, vegetables and the like.

(4) "Prescribed" means prescribed by rules made under this part of the Act.

8. *Setting up of Debt Conciliation Boards.*—(1) (a) The State Government may for the purpose of amicable settlement between debtors and their creditors establish debt conciliation boards.

(b) The State Government shall define the local limits of the area in which a board shall have jurisdiction.

(c) The State Government shall determine the pecuniary limits of the jurisdiction of the board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the State Government may prescribe for any area.

(d) Such board shall consist of a chairman and two or more members to be appointed by the State Government:

Provided that no act done or proceeding taken by a board under this Act shall be called into question on the ground merely of the existence of any vacancy in any board.

(e) The Chairman and every member of a board so established shall be appointed for a term not exceeding three years, but shall be eligible for re-appointment on the expiry of his term.

(f) The quorum of a board shall be prescribed by the State Government.

(g) Where the chairman and members of a board are not unanimous, the opinion of the majority shall prevail, and if the board is equally divided, the chairman shall exercise a casting vote.

(2) The State Government may cancel the appointment of any member of a board or dissolve any board.

(3) The State Government shall notify in the Official Gazette—

(a) the establishment of a board and the appointment of its members; and the board shall be deemed to have been established and its members appointed from the date specified in such notification or notifications;

(b) the cancellation of the appointment of any member of a board; and from date specified in such notification the member shall cease to be a member of the board;

(c) the dissolution of a board; and from the date specified in such notification the board shall cease to exist.

(4) When a board is dissolved or ceases to exist otherwise, the State Government may at any time establish another board within the same local limits in which the former board had jurisdiction and may declare this board to be the successor in office of the first board and may confer on it power to dispose of such applications under section 13(2) and section 23 as the State Government may direct.

9. *Application for settlement between a debtor and his creditors.*—A debtor or any of his creditors may apply to the board appointed for the area in which a debtor resides or holds any land, to effect a settlement between the debtor and his creditors:

Provided that no application shall be made if the debtor's debts exceed ten thousand rupees or such larger sum as the State Government may prescribe for any particular area.

10. *Verification of application.*—Every application to a board shall be in writing and be signed by the applicant and verified in such manner as may be prescribed.

11. *Particulars to be stated in application.*—(1) Every application presented by a debtor to a board shall contain the following particulars, namely:—

- (a) the place where he resides or holds land;
- (b) the particulars of all claims against him together with names and residences of his creditors;
- (c) the particulars of all his property, together with a specification of the value of such property and the place or places at which any such property is to be found;
- (d) a statement that he is unable to pay his debts, and that they do not exceed the prescribed amount.
- (e) a statement whether he has previously filed an application in respect of the same debt before the same or another board, and if so, with what result.

(2) Every application presented by a creditor shall contain the following particulars, namely,—

- (a) the place where the debtor resides or holds land;
- (b) the amount and particulars of his claim against such debtor;
- (c) a statement that the debtor is unable to pay his debts.

12. *Procedure on receipt of application.*—(1) On receipt of an application under section 9 the board shall pass an order fixing a date and place for hearing the application:

Provided that the board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and the creditors.

(2) Notice of the order under sub-section (1) shall be sent to creditors by registered post, acknowledgment due, and where the debtor is not the applicant, notice of the order under sub-section (1) shall be sent to him in a similar manner.

13. *Notice calling upon creditors to submit statements of debts.*—(1) On the date fixed the board shall publish, in such manner as may be prescribed, a notice calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be submitted to the board in writing within two months from the date of publication of the notice:

Provided that, if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such direction or to produce the documents required under sub-section (1) of section 14 within the time fixed, it may extend the period for the submission of his statement of the debts owed to him or for the production of such documents.

(2) Every debt owed to a single creditor of which no such statement has been submitted to the board in compliance with the provisions of sub-section (1) shall be deemed to be duly discharged for all purposes and all occasions against such creditor; and every debt owed to two or more creditors jointly, of which such a statement or statements signed by all such creditors or their recognised agents has or have not been so submitted, shall be deemed to be so discharged, against such creditors as have failed to submit the said statement or statements but only to the extent of their respective shares in the said debt:

Provided that no such debts shall be deemed to be discharged against any creditors whose names have not been included in the application made under section 9.

(3) If the creditor or any of the joint creditors fails without sufficient cause to be present in person or by his recognised agent or legal practitioner in accordance with the provisions of Section 24 at any of the hearings fixed by the board, or fails to produce full particulars and documents as required under sub-section (1) of section 14, the debt due to him or the joint creditors, as the case may be, shall be deemed for all purposes and all occasions to have been fully discharged.

(4) If any creditor proves to the satisfaction of the board, or, if no board is vested with jurisdiction by the State Government to the satisfaction of a civil court, that the notice was not served on him and that he had no knowledge of its publication or that he was unavoidably absent at any of the hearings fixed by the board, the board or the court, as the case may be, may revive that debt.

14. *Procedure on submission of statements of debts.*—(1) Every creditor submitting in compliance with a notice issued under sub-section (1) of section 13 a statement of the debts owed to him shall furnish, along with such statement, full particulars of all such debts, and shall at the same time produce all documents (including entries in books of account) on which he relies to support his claims, together with a true copy of every such document:

Provided that a decree or order of a civil court shall be conclusive evidence as to the amount of the debt to which the decree relates, but the amount may be reduced as the result of an agreement arrived at in accordance with section 17.

(2) The board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

15. *Board to attempt amicable settlement.*—The board shall call upon the debtor and each creditor to explain his case regarding each debt, and shall use its best endeavours to induce them to arrive at an amicable settlement.

15-A. *Powers of board to adjudicate on genuineness or enforceability of debts.*—(1) If a creditor or debtor, as the case may be, challenges the genuineness or enforceability of any debt included in an application, the board shall adjudicate upon the issue.

(2) Any person aggrieved by a decision of the board under sub-section (1) may appeal therefrom to the Collector or such other officer, not below the rank of an Assistant Collector of the first grade, as the State Government may appoint in this behalf;

(3) The period of limitation for an appeal under this section shall run from the date of the order appealed against and shall be thirty days.

(4) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

(5) Notwithstanding anything herein before contained, no appeal or application for revision shall lie against a decision of the board under sub-section (1) unless the aggregate value of the items in regard to which the appeal is preferred exceeds two thousand rupees.

(6) No order passed under this Section shall be open to question in a civil court.

16. *Power of Board to require attendance of persons and production of documents and to receive evidence.*—Any board empowered under this Act may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on civil courts by the Code of Civil Procedure, and every proceeding before the board shall be deemed a judicial proceeding.

17. *Registration and effect of agreement.*—(1) If the debtor and all or any of the creditors come to an amicable settlement, the board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts

payable to each creditor and the manner in which and the times at which they are to be paid. Such agreement shall be read out and explained to the parties concerned and shall be signed or otherwise authenticated by the board and the parties: provided that if the board is of the opinion that the period fixed for payment is excessive, the board may refuse to authenticate the agreement. The board shall also pass an order dismissing the application so far as it relates to the creditors who have not come to an amicable settlement.

(2) An agreement thus made shall take effect as if it were a decree of a civil court having jurisdiction in the area of the jurisdiction of the board.

(3) Notwithstanding anything contained in the Indian Registration Act, 1908, or in the rules made thereunder agreement made under sub-section (1) shall not be liable to registration.

19. *Bar to successive applications.*—If once an application has been made by a debtor and disposed of, no board shall entertain a second application within two years of the date of disposal of the first application.

20. *Grant of certificate by board in respect of debts.*—(1) Where, during the hearing of any application made under section 9, any creditor refuses to agree to an amicable settlement, the board may, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate, in such form as may be prescribed, in respect of the debts owed by him to such creditor:

(2) *Power of court to disallow costs or interest.*—Where any creditor sues or takes out execution proceedings in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1), the court notwithstanding the provisions of any law for the time being in force, shall not allow the plaintiff any costs in such suit or proceedings, or any interest on the debt after the date of certification under sub-section (1).

(3) Where after the date of an agreement made in accordance with section 17 or of certification any unsecured creditor sues for the recovery of a debt in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement, any decree passed in such suit notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) shall not be executed until six months after the expiry of the period fixed in the agreement authenticated under sub-section (1) of section 17.

(4) Where after the date of an agreement made in accordance with section 17 or of certification any unsecured creditor applies for the execution of a decree in respect of which a certificate has been granted under sub-section (1) the said decree notwithstanding anything contained in the Code of Civil Procedure, 1908, shall not be executed until six months after the expiry of the period fixed in the agreement authenticated under sub-section (1) of section 17.

20.-A. *Decision of Board to be final.*—If any question arises in any proceedings under this part of the Act whether a loan or liability is a debt or not or whether a person is a debtor or not, the decision of the Debt Conciliation Board shall be final, and shall not be called into question in any court.

21. *Bar of civil suits.*—Save as otherwise provided in this Act, no civil court shall entertain—

(a) any suit appeal or application for revision—

- (i) to question the validity of any procedure or the legality of any order or agreement made or certificate issued under this Act or
- (ii) to recover any debt recorded as wholly or partly payable under an agreement made in accordance with section 17 from any person who, as a debtor, was party to such agreement, or
- (iii) to recover any debt which has been deemed to have been duly discharged under the provisions of this Act;

(b) any application to execute a decree, the execution of which is suspended under sub-section (3) or (4) of section 20.

(c) any suit for a declaration, or any suit or application for injunction affecting any proceedings under this Act before a board.

22. *Bar of appeal or revision.*—Save as otherwise expressly provided in this Act no appeal or application for revision shall lie against any order passed by a board.

23. *Power of board to review its order.*—A board may, on the application from any person interested, review any order passed by it and pass such order as it thinks fit:

Provided that it shall not under this section pass an order reversing or modifying any order affecting any person interested without giving such person an opportunity of being heard;

Provided, further, that no application for review shall be entertained if presented more than twelve months after the date of the order which the person interested seeks to have reviewed.

24. *Appearance of party before board by agent or by legal practitioner.*—In any proceedings under this part of the Act, any party may be represented by an agent authorised in writing or with the permission of the board by a legal practitioner.

25. *Bar to new suits and applications and suspension of pending suits and applications.*—(1) When an application has been made to a board under section 9 or section 23, no civil court shall entertain any new suit or other proceeding brought for the recovery of any debt covered by such application, and any suit or other proceeding pending before a civil court in respect of any such debt shall be suspended until the board has dismissed the application or an agreement has been made under section 17.

(2) When any execution proceeding pending before a civil court is suspended under subsection (1) and any animal has been attached and made over to suparddar in connection with such proceeding, the judgment debtors shall be entitled to the return of such animal but shall not be competent to sell or in any way part with the ownership of any animal so attached during the suspension of such proceeding; and if the judgment debtor has been committed to a civil prison in connection with such proceedings he shall be released forthwith.

26. *Extension of limitation.*—The time spent in proceedings before a conciliation board and time during which a person is debarred from suing or executing his decree under the provisions of this Part of this Act shall be excluded when counting the period of limitation for any application, suit or appeal.

27. *Members of board deemed to be public servants.*—The members of a board shall be deemed to be public servants within the meaning of the Indian Penal Code. (XLV of 1860).

28. *Power to make rules.*—(1) The Chief Government may make any rules consistent with this Part of this Act to carry out the purposes thereof, and in particular and without prejudice to the generality of the foregoing power may make rules.

- (a) prescribing the amount of debt for the purposes of section 8(1)(c);
- (b) prescribing the quorum for and regulating the procedure before a board;
- (c) prescribing the charges to be made by a board for anything done under this Act and the persons by whom and the manner in which such charges shall be paid;
- (d) prescribing the records to be kept and the returns to be made by a board;
- (e) prescribing the allowances to be paid to members of a board;
- (ee) prescribing the particulars of debts under subsection (1) of section 14;

- (f) prescribing the place at which and the manner in which an agreement shall be registered;
- (g) prescribing the form of certificate to be granted under sub-section (1) of section 20; and
- (h) generally, for the purpose of carrying into effect the provisions of this Part of this Act.

(2) The power conferred by this section of making rules is subject to the condition that the rules be made after previous publication.

*29. Penalty for breach of the rules.*—In making any rule the State Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach continues.

#### PART V—DAMDUPUT

30. (1) In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act no court shall pass or execute a decree or give effect to an award in respect of such debt for a larger sum than twice the amount of the sum found by the Court to have been actually advanced, less any amount already received by creditor in excess of the amount due to him under clause (c) of subsection (2) of section 3 of the Usurious Loans Act, 1919.

(2) In any suit in respect of a debt as defined in section 7, advanced after the commencement of this Act, no Court shall pass or execute a decree or give effect to an award in respect of such debt for a larger sum than twice the amount of the sum found by the Court to have been actually advanced less any amount already received by a creditor.

(3) Where in any proceeding concluded on or after the 15th day of October, 1939, any decree has been passed or an award has been given by an arbitrator against a debtor in respect of a debt as defined in section 7, which is not in conformity with sub-section (1) and (2), such decree or award shall be voidable at the option of the debtor on whose application, made within six months from the date of the extension of the Punjab Relief of Indebtedness (Amendment) Act, 1940 to the State of Delhi, the Court shall set aside the decree or award, reopen the transaction and pass such order as may be in conformity with the provisions of this section.

(4) Nothing in this section shall be deemed to entitle any person to claim a refund of any sum already paid except by adjustment under subsection (1).

#### PART VI—DEPOSIT IN COURT

*31. Deposit in Court.*—(1) Any person who owes money may at any time deposit in court a sum of money in full or part payment to his creditor.

(2) The court on receipt of such deposit shall give notice thereof to the creditor and shall, on his application, pay the sum to him.

(3) From the date of such deposit interest shall cease to run on the sum so deposited.

*32. Power of State Government to make rules.*—(1) the State Government may make rules for carrying into effect the provisions of this Part of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide—

- (a) In particular and without prejudice to the generality of the foregoing powers such rules may provide;
- (b) for determining the court into which the sum shall be deposited;
- (c) the procedure for keeping accounts of such deposits and the manner in which notices are to be served on creditors and payments made to them.

(3) The power conferred by this section of making rules is subject to the condition that the rules be made after previous publication.

## PART VII—REDEMPTION OF MORTGAGES

33. *Amendment of Section 1(3)(a) of the Redemption of Mortgages (Punjab) Act, 1913.*—In section 1, sub-section (3) (a) of the Redemption of Mortgages (Punjab) Act, 1913 (II of 1913) for the figures and word “30 acres” the figures and word “50 acres” shall be substituted, and in sub-section (3) (b) of the same section for the figures “1,000” the figures “5,000” shall be substituted.

## PART VIII—MISCELLANEOUS AMENDMENTS OF THE CIVIL LAW

34. *Immunity from arrest.*—No debtor as defined in section 7 of this Act shall be arrested or imprisoned in execution of a decree for money, whether passed before or after the commencement of this Act.

35. *Amendment of section 60 of the Code of Civil Procedure.*—In section 60 of the Code of Civil Procedure, 1908—

(a) in sub-section (1) in the proviso, (i) in clause (c), for the words “occupied by him” the following words shall be deemed to be substituted, namely:—

“not proved by the decree-holder to have been let out on rent or lent to persons other than his father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependants or left vacant for a period of a year or more;”

(ii) after clause (c), the following clauses shall be deemed to be inserted, namely:—

“(cc) Milch animals, whether in milk or in calf, kids, animals used for the purposes of transport or draught cart and open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle, parking carts, or stacking fodder or manure;

(ccc) one main residential house and other buildings attached to it (with the material and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to a judgement-debtor other than an agriculturist and occupied by him:

Provided that the protection afforded by this clause shall not extend to any property specifically charged with the debt sought to be recovered.”

(b) after sub-section (2), the following sub-section shall be deemed to be inserted, namely:—

“(3) Notwithstanding any other law for the time being in force an agreement by which a debtor agrees to waive any benefit of any exemption under this section shall be void.

(4) For the purposes of this section the word “agriculturist” shall include every person whether as owner, tenant, partner or agricultural labourer who depends for his livelihood mainly on income from agricultural land.

(5) Every member of a scheduled caste shall be presumed to be an agriculturist until the contrary is proved.

(6) No order for attachment shall be made unless the court is satisfied that the property sought to be attached is not exempt from attachment or sale.”

36. *Amendment of Order XXI, rule 2, of the Code of Civil Procedure, 1908.*—In Order XXI, Rule 2, of the Code of Civil Procedure, 1908, sub-rule (3) shall be omitted.

37. *Penalty for false claim of a principal sum.*—Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made by the creditor or at his instance in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court shall disallow the whole claim with costs, unless the creditor satisfies the court that the wrong entry was accidental or was the result of a *bona fide* mistake.

38. *Penalty for use of documents containing false entries.*—(1) If any party to a suit for the recovery of a loan dishonestly uses in such suit any document in which he is aware that there is any statement or entry relating to such loan

which is false in any material particulars he shall on conviction be punished with imprisonment of either description which may extend to three months or with a fine not exceeding one thousand rupees or with both.

(2) If the court is satisfied, after such preliminary enquiry, if any, as it thinks necessary that there is ground for enquiring into an offence under subsection (1) the court may record a finding to that effect and prefer a complaint of the offence in writing to a magistrate of the first class having jurisdiction, and such magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898.

[No. F.7(11)-J/II/56.]

S. NARAYANSWAMY, Dy. Secy.

*New Delhi-2, the 12th June 1956*

**S.R.O. 1355.**—In pursuance of the Explanation of Section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Central Government hereby declares that Monday, the 23rd day of July, 1956, shall be a public holiday throughout India in commemoration of the centennial anniversary of the birthday of Shri Bal Gangadhar Tilak.

[No. 20/8/56-Pub.I.]

FATEH SINGH, Dy. Secy.

#### DEPARTMENT OF PARLIAMENTARY AFFAIRS

*New Delhi-2, the 1st June, 1956*

**S.R.O. 1356.**—In exercise of the powers conferred by section 11 of the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953), the Central Government, in consultation with the Chairman of the Council of States and the Speaker of the House of the People, hereby makes the following rules:—

1. **Short title.**—These rules may be called the Officers of Parliament (Travelling and Daily Allowances) Rules, 1956.

2. **Allowances admissible to Chairman of the Council of States and the Speaker of the House of the People.**—The Chairman of the Council of States and the Speaker of the House of the People shall each be entitled—

- (a) on assumption and relinquishment of his office, to such travelling allowances for himself and the members of his family and for the transport of his and his family's effects as are admissible to a Cabinet Minister on the assumption and relinquishment of his office under the rules made under section 11 of the Salaries and Allowances of Ministers Act, 1952 (LVIII of 1952), as for the time being in force;
- (b) in respect of tours undertaken by him in India in the discharge of his official duties, to such travelling and daily allowances as are admissible to a Cabinet Minister under the said rules;
- (c) in respect of tours undertaken by him outside India in the discharge of his official duties, to such travelling and daily allowances as the Central Government may, in each case, determine.

3. **Certain additional allowances admissible to the Speaker of the House of the People.**—The Speaker of the House of the People shall, in respect of the journey undertaken by him from Delhi to his constituency (Headquarters) at the end of each session of the House of the People and for the return journey to Delhi at the beginning of the next session be entitled to—

- (a) travelling allowances (without daily allowances) at the rates admissible under clause (b) of rule 2;
- (b) actual charges for the haulage of his motor car at his own risk; and
- (c) actual railway fare by the lowest class for his chauffeur.

**4. Allowances admissible to Deputy Chairman and Deputy Speaker.**—The Deputy Chairman of the Council of States and the Deputy Speaker of the House of the People shall each be entitled—

- (a) on the assumption and relinquishment of his office, to such travelling allowances for himself and the members of his family and for the transport of his and his family's effects as are admissible to a Deputy Minister on the assumption and relinquishment of his office under the rules made under section 11 of the Salaries and Allowances of Ministers Act, 1952 (LVIII of 1952), as for the time being in force;
- (b) in respect of tours undertaken by him in India in the discharge of his official duties to such travelling and daily allowances as are admissible to a Deputy Minister under the said rules;
- (c) in respect of the journey undertaken by him from Delhi to his constituency (headquarters) at the end of each session of the Council of States or the House of the People, as the case may be, and for the return journey to Delhi at the beginning of the next session, to travelling allowances (without daily allowances at the rates admissible under clause (b));
- (d) in respect of tours undertaken by him outside India in the discharge of his official duties, to such travelling and daily allowances as the Central Government may, in each case, determine.

**5. Special provision regarding allowances paid before the commencement of these rules.**—All payments made before the commencement of these rules to any officer of Parliament by way of travelling and daily allowances shall be deemed to have been properly made, as if the rates at which such allowances were paid had been fixed under these rules.

[No. Admn. 3(203)/55.]

N. K. BHOJWANI, Secy.

### MINISTRY OF FINANCE

New Delhi, the 4th June 1956

**S.R.O. 1357.**—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148, of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following amendment in the Contributory Provident Fund Rules (India), namely:—

After sub-rule (2) of rule 10 of the said Rules, the following proviso shall be inserted, namely:—

“Provided that if, through oversight or otherwise the amount subscribed is less than the minimum subscription payable by the subscriber under sub-rules (1) and (2) of rule 8 and if the short subscription together with the interest accrued thereon is not paid by the subscriber within such time as may be specified by the authority competent to sanction an advance for the grant of which, special reasons are required under clause (b) or clause (c) of rule 12, the contribution payable by the Government shall be equal to the amount actually paid by the subscriber or the amount normally payable by Government, whichever is less, unless the Government, in any particular case, otherwise directs”.

[No. F.28(9)-EV/56.]

### ORDER

New Delhi, the 5th June 1956

**S.R.O. 1358.**—The President is pleased to direct that the following amendments shall be made in Section II (b)—Leaving Jurisdiction—of the Administrative Instructions in connection with the Fundamental Rules, as incorporated

in Appendix No. 3 to Posts and Telegraphs Compilation of Fundamental and Supplementary Rules Volume II:—

(i) Delete the words "British" and "or to any Indian State or Foreign Settlement in India" occurring in lines 2 and 3 respectively of rule 2.

(ii) Delete the words "or Foreign State or Settlement" occurring in rule 3.

[No. F.5(30)E.IV/56.]

J. C. SEN, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 5th June 1956

**S.R.O. 1359.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949) and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the undernoted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 31st December 1955, together with the auditors' reports in a newspaper:—

1. Madras City Bank Ltd., Coimbatore.
2. Lakshmi Banking Corporation Ltd., Pudukkottai.
3. Vasudeva Vilasam Bank Ltd., Perintalmanna.
4. Kannivadi Bank Private Ltd., Dindigul.
5. Koppa Bank Ltd., Koppa.
6. National Banking Corporation Ltd., Kachhwa.
7. Ajodhia Bank Ltd., Faizabad.
8. Oudh Commercial Bank Ltd., Faizabad.
9. Bank of Travancore Ltd., Trivandrum.
10. Kamalodayam Bank Ltd., Ponkunnam.
11. Madappally Sri Vilason Bank Ltd., Mundakayam.
12. Malankara Bank Ltd., Thruvalla.
13. Oriental Bankers Ltd., Munnar.
14. Pioneer National Bank Ltd., Kidangoor.
15. Prabhatha Tharaka Bank Ltd., Kuravilangad.
16. Sree Vardhana Bank Ltd., Kottayam.
17. Union Bank Ltd., Alleppey.

[No. F.4(60)-FI/56.]

PREM NARAIN, Dy. Secy.

(Department of Company Law Administration)

New Delhi, the 9th June 1956

**S.R.O. 1360.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 448 of the Companies Act, 1956 (I of 1956), the Central Government hereby appoints Shri H. L. Soni, Registrar of the Judicial Commissioner's Court, Himachal Pradesh Simla, *ex-officio*, to be the Official Liquidator attached to that court, as a part time officer.

[No. 2(27)-CL-III/56.]

SHIV CHARAN SINGH, Dy. Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

## CENTRAL EXCISES

New Delhi, the 9th June 1956

**S.R.O. 1361.**—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Central Excise Rules, 1944, namely:—

In the said rules—

I. In sub-rule (2) of rule 187 for the words and brackets "Secretary, British Legation, Kabul (or other person appointed by the British Minister at Kabul in this behalf)" the words and brackets "Indian Embassy at Kabul (or other person appointed, by the Indian Ambassador/Charge d'Affaires at Kabul in this behalf)" shall be substituted;

II. In rule 188—

(1) In sub-rule (1), the brackets and figure "(1) shall be omitted and for the words "His Britannic Majesty's Vice Consul", the words "Indian Vice Consul" shall be substituted;

(2) sub-rule (2) shall be omitted;

III. rule 190 shall be omitted;

IV. in Appendix I—in Form B.-5(Sec.) (Central Excise Series No. 27), for the words "depositing with the Collector", the words "to deposit with the Collector" shall be substituted.

[F.No.41/8/55-CX.]

[No. 6-CER/56.]

W. SALDANIA, Dy. Secy.

## CENTRAL BOARD OF REVENUE

## INCOME-TAX

New Delhi, the 7th June 1956

*Rules of procedure in respect of references to the Board of Referees under sub-section (4) of section 23A of the Indian Income-tax Act 1922.*

**S.R.O. 1362.**—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue is pleased to make the following rules concerning applications for reference to the Board of Referees under sub-section (4) of section 23A of the said Act and the procedure to be followed by such Board in disposing of the applications, the same having been previously published as required by sub-section (4) of section 59 of the said Act:—

1. These Rules may be called the "Indian Income-tax (Board of Referees) Rules, 1956".

2. **Definitions.**—In these Rules unless the context otherwise requires,—

- (a) "Act" means the Indian Income-tax Act, 1922 (XI of 1922);
- (b) 'applicant' means the company which applies to the Commissioner of Income-tax under sub-section (4) of section 23A of the Act requiring him to refer its case to the Board of Referees;
- (c) 'application' means the application made by the company to the Commissioner of Income-tax under sub-section (4) of section 23A of the Act requiring him to refer its case to the Board of Referees;
- (d) 'Board of Referees' means the Board of Referees appointed by the Central Government in pursuance of sub-section (4) of section 23A of the Act;
- (e) 'Chairman of the Board' means that member of the Board of Referees who is designated by the Central Government as the Chairman of the Board.

3. The application shall be made in Form 'A' annexed to these Rules and shall be sent (together with 3 extra copies thereof and of all enclosures thereto) to the Commissioner.

4. If the application is not made within the time specified in sub-section (4) of section 23A of the Act, the Commissioner of Income-tax (hereafter in these Rules referred to as the Commissioner) shall not refer the matter to which the application relates to the Board of Referees.

5. If the application is made within the aforesaid time, the Commissioner shall—

- (i) within thirty days of the receipt of the application by him, report to the Central Government the fact of such application having been made, and
- (ii) within sixty days of the receipt of the application by him, draw up a statement of the case in respect of the matter to which the application relates and send it (together with two extra copies thereof) to the Board of Referees for decision.

6. (1) The statement of the case drawn up by the Commissioner shall set out the relevant facts, his decision under sub-section (3) of section 23A of the Act, and his own opinion on any point or points urged by the applicant in the application including his opinion on the point whether the applicant is a company engaged in activities of the type or types specified in sub-section (4) of section 23A.

(2) A copy of his decision under sub-section (3) of section 23A and any other document or documents which the Commissioner considers relevant shall be appended to the Statement of the Case.

(3) One copy of the Statement of the Case shall be sent by the Commissioner to the applicant as soon as practicable.

7. The Board of Referees shall notify to the applicant and the Commissioner at least thirty days before the date of hearing—the date, time and place fixed for the hearing of the application.

8. Any application to the Board of Referees for adjournment of the hearing shall be made so as to reach the Board at least fifteen days before the date of hearing, but the Board of Referees may refuse to grant such an adjournment if they are satisfied that there are no sufficient grounds for adjournment and in such a case after communicating such refusal to the applicant, the Board may decide the reference *ex parte* on its merits.

9. (1) Any person or persons who are eligible to represent the applicant in any income-tax proceedings by virtue of section 61 of the Act may, if specifically authorised for the purpose by the applicant, represent the applicant before the Board of Referees.

(2) Any officer of the Central Government or any lawyer may, if specifically authorised for the purpose by the Commissioner, represent the Commissioner before the Board of Referees.

10. If the Board of Referees requires any information or documents which are not contained in the statement of the case for deciding a reference, it may obtain such information or documents from the applicant or from the Commissioner as the case may be.

11. The Board of Referees shall communicate its decision to the applicant and the Commissioner as soon as it is ready.

12. If the members of the Board of Referees disagree in their decision, the decision of the Chairman of the Board shall prevail and be deemed to be the decision of the Board of Referees.

13. If by reason of any vacancy occurring in the Board of Referees on account of transfer, leave, or otherwise, the Central Government appoints any other person to fill up the vacancy, the proceedings of the Board of Referees as previously constituted shall not be invalid but the applicant shall be entitled to a re-hearing of his case by the Board of Referees as reconstituted, if it so demands.

14. All communications intended for the Central Government or the Board of Referees shall be addressed to the Deputy Secretary to the Government of India, Ministry of Finance (Revenue Division), North Block, New Delhi-2

## ANNEXURE

## FORM 'A'

Form of Application to the Board of Referees under Section 23A(4)—

This ..... day of ..... 19 . In the matter of the application of section 23A to .....

(Name of the applicant company).

The applicant states as follows:—

(1) that the address to which notices or any other communication may be sent to the applicant is .....

(2) that under sub-section (3) of section 23A of the Indian Income-tax Act, 1922, the applicant has been required by the Commissioner of Income-tax to distribute before ..... (date) an amount of Rs. ..... as dividends to its shareholders in respect of the previous year ended .....

(3) that notice of the order of the Commissioner under sub-section (3) of section 23A was served on the applicant on ..... (date).

(4) that the applicant is an Indian company engaged in the manufacture of ..... in the processing of ..... in the mining of ..... in the generation or distribution of electricity/other than electricity (any other form of power should be specified here).

(5) that the facts which are admitted and/or found by the Commissioner and which are necessary for drawing up the reference are stated in the enclosure to this application.

(6) that in arriving at his decision under sub-section (3) of section 23A the Commissioner has erred in ignoring or failing to give adequate consideration to the following relevant points:—

1. ....
2. ....
3. ....

(7) that having regard to the current requirements of the applicant's business (fully described in the enclosure to the application), or/and other requirements necessary or advisable for the maintenance and development of the applicant's business,

- (i) the distribution to the shareholders in respect of the previous year of any dividend/any dividend exceeding ..... would be unreasonable.
- (ii) the time allowed by the Commissioner for distribution under sub-section (3) of section 23A is unreasonably short and should be extended till .....

(8) that the applicant, therefore, requires under sub-section (4) of section 23A of the aforesaid Act that a statement of the case be drawn up and referred to the Board of Referees.

(9) that the documents or copies thereof as specified below on which the applicant relies in support of his case be forwarded to the Board of Referees for their consideration. One set of the said documents is enclosed for the purpose, with translation in English of the documents, where necessary.

- (i) .....
- (ii) .....
- (iii) .....

Signed .....

(Designation)

Place .....

(Name of the applicant company)

I, ..... the ..... (designation) do declare that what is stated in the above application is true to the best of my information and belief.

Signed .....

Note.—(1) The application shall be deemed to be accompanied by a fee of Rs. 100 if the said sum is paid to the Commissioner at the time of presenting the application either in cash or by a crossed cheque or crossed draft payable to the

Commissioner (by designation) or if the application is accompanied by a receipt showing that the said sum has been remitted by money order or paid into the Treasury or a branch of the State Bank of India or a branch of the Reserve Bank of India. The amount paid in this respect shall be credited to the account of the Central Government under the head "IV—Taxes on income other than corporation tax—Miscellaneous—Fee for reference to Board of Reference".

(2) The application shall be signed by the principal officer of the company for the time being.

[No. 41.]

N. H. NAQVI, Secy.

#### LAND CUSTOMS

New Delhi, the 9th June 1956

**S.R.O. 1363.**—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (XIX of 1924), the Central Board of Revenue makes the following further amendment in its notification No. 22-Customs, dated the 2nd February, 1952, namely:—

In the Schedule annexed to the said notification, under the heading "C-Land Customs areas under the jurisdiction of the Collector of Land Customs, Calcutta", under the sub-heading "24 Parganas District", after the entry 'Itinda' the following entry shall be inserted, namely:—

1	2
Jalalpur	Across the portion of the river Ichamati lying between village Jalalpur Indian Union, and Sankra (East Pakistan).

[No. 37.]

#### CUSTOMS

New Delhi, the 9th June 1956

**S.R.O. 1364.**—In exercise of the powers conferred by clauses (b) and (c) of section 11 and section 53 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby makes the following further amendment in the notification No. 119-Customs, dated the 9th September 1950, namely:—

In the Schedule annexed to the said notification, in column 3 against S. No. 10-Matwad, the following entry shall be omitted, namely:—

"3. the landing place known as the Jalalpur-Bunder".

[No. 39.]

W. SALDANHA, Secy.

#### ESTATE DUTY

New Delhi, the 12th June, 1956

**S.R.O. 1365.**—In exercise of the powers conferred by sub-section (1) of section 85 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby directs that the following amendment shall be made in the Estate Duty Rules, 1953, the same having been previously published as required by sub-section (1) of section 85 of the said Act, namely:—

In the said Rules,—

For the existing rule 13, the following shall be substituted, namely:—

**13. Effect of default in complying with the undertaking.**—(1) Where any objects are exempted from duty in pursuance of an undertaking under sub-rule (1) of Rule 11 and the Board is satisfied that at any time during the period for which the undertaking was given, it has not been observed in any material respect, then duty shall become payable on the value at that time of those objects in respect of the death on which the exemption was given.

## (2) Where liability to duty arises under sub-rule (1) —

- (a) duty shall be payable at the rate appropriate to the principal value of the estate passing on that death as if clauses (1) and (j) of sub-section (1) of section 33 never applied to those objects.
- (b) any person who, if the objects were sold when the duty becomes payable, would be entitled to receive (whether for his own benefit or not) the proceeds of sale or any income arising therefrom shall be accountable for the duty.

(3) Where any objects are sold after they become liable to duty under sub-rule (1) in respect of any death, the proceeds of the sale shall not be liable to duty in respect of the same death under sub-rule (2) of Rule 11.

*Explanatory Note*

(This note is not part of the amendment but is intended to be merely clarificatory).

Rule 13 of the Estate Duty Rules, 1953 as it stands is considered to be lengthy as it is expressed in one sentence running into 164 words. In order to simplify it, the said rule has been split up into separate sentences without making any change in the substance.

[No. 32/12/9/55-E.D.]

P. K. GHOSH, Under Secy.

**MINISTRY OF COMMERCE AND INDUSTRY**

*New Delhi, the 12th May 1956*

**S.R.O. 1366.**—The following By-laws made by the Coir Board, in exercise of the powers conferred by Section 27 of the Coir Industry Act, 1953 (45 of 1953), and confirmed by the Central Government, are hereby published, as required by sub-section (2) of the said Section, namely:—

**BY-LAWS****PRELIMINARY**

1. These by-laws may be called the Coir Board (Contributory Provident Fund) By-Laws, 1955.

2. In these By-Laws, unless the context otherwise requires:—

- (a) "The Act" means the Coir Industry Act, 1953 (45 of 1953);
- (b) "Board" means the Coir Board constituted under section 4;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Emoluments" means pay or leave salary, which includes dearness pay reckoned as such by the Central Government;
- (e) "Employee" means officer, office staff, technical staff and menial staff of the Board other than those whose services are paid from contingencies;
- (f) "Family" means—

- (i) in the case of a male subscriber, the wife or wives and children of the subscriber; and the widow or widows and children of a deceased son of subscriber;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary laws of the community to which she belongs, to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these by-laws relate unless the subscriber subsequently indicates by express notice in writing to the Secretary that she shall continue to be so regarded;

- (ii) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber by notice in writing to the Secretary expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these by-laws relate, unless the subscriber subsequently cancels formally in writing her notice excluding him.

**NOTE I.**—'Children' means legitimate children.

**NOTE II.**—An adopted child shall be considered to be a child when the Secretary or, if any doubt arises in the mind of the Secretary, the Chairman, is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child, but in that case only.

- (g) "Fund" means the Coir Board Contributory Provident Fund;
- (h) "Leave" means any kind of leave sanctioned for the staff of the Coir Board;
- (i) "Secretary" means the Secretary of the Board;
- (j) "Year" means financial year.

#### CONSTITUTION AND MANAGEMENT OF THE FUND

3. (a) There shall be a Provident Fund for the employees of the Board not being:—

- (1) a person in the service of the Indian Union or of a State in India whose services have been lent or transferred to the Board; or
- (2) a person appointed by the Board to a post created for a period of less than 5 years; or
- (3) a probationer.

(b) No pensioner, Civil or Military, who continued in service or was re-employed after the date from which his pension takes effect, should be admitted to the fund except with the previous concurrence of the Government of India.

4. The Fund shall be constituted and established from such date as the Chairman may appoint.

5. The Fund shall consist of—

- (1) subscriptions and contributions which are to be carried to the Fund in accordance with these by-laws;
- (2) such additions to the Fund as the Board may at any time and from time to time decide to make;
- (3) the income of the Fund from loans, deposits and investments.

#### NOMINATION

6. (1) The Secretary shall require every subscriber, as soon as may be, to make a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death that amount has become payable, or having become payable has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under clause (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such of the forms set forth in the first and second Schedules as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Secretary:

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this by-law.

(5) A subscriber may provide in a nomination—

- (a) in respect of any specified nominee that in the event of his pre-deceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein, provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-clause (a) of clause (5), or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of sub-clause (b) of clause (5), or the proviso thereto, the subscriber shall send to the Secretary a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this by-law.

(7) Every nomination made, and every notice of cancellation given by a subscriber to the extent that it is valid, shall take effect on the date on which it is received by the Secretary.

#### SUBSCRIBER'S ACCOUNTS

7. An account shall be opened in the name of each subscriber in which shall be credited:—

- (a) the subscriber's subscriptions;
- (b) contributions made under by-law 11 by the Board to his account;
- (c) interest as provided by by-law 12 on subscriptions;
- (d) interest as provided by by-law 12 on contributions;

#### CONDITIONS AND RATES OF SUBSCRIPTIONS

8. (a) Every subscriber shall subscribe monthly to the Fund when on duty;

(b) a subscriber may, at his option, not subscribe during leave;

(c) the subscriber shall intimate his election not to subscribe during the leave in writing to the Secretary before he goes on leave. Failure to give due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this sub-clause shall be final.

9. (1) The amount of subscription to the Fund shall be at a rate of 1/16th of the monthly emoluments of the subscriber:

Provided that if a subscriber is on duty for a part of the month and on leave for the remainder of that month and if he had elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month.

(2) The amount of subscription payable under clause (1) shall be calculated to the nearest whole anna, 6 pies and more counting as the next higher anna.

#### REALISATION OF SUBSCRIPTIONS

10. The Board shall have the power to deduct from the emoluments of any subscriber the subscription due from him and the principal and interest on the advance if any made to him from the Fund.

#### CONTRIBUTION BY THE BOARD

11. (1) The Board shall on the 31st March of every year make a contribution to the account of each subscriber:

Provided that if the subscriber quits the service or dies during the year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty.

(2) The contribution by the Board to the Fund shall be equal to the aggregate of the subscriptions of the subscriber each year.

(3) The amount of contribution payable under clause (2) shall be calculated to the nearest whole anna, 6 pies and more counting as the next higher anna.

#### INTEREST

12. (1) The Board shall pay to the credit of the subscriber interest at such rate not below the current rate of interest on Post Office Savings Bank deposits, as the Board may from time to time prescribe, on the amount at his credit in the Fund.

(2) Interest shall be calculated on the balance at the credit of a subscriber on the 31st March of the preceding year.

(3) When the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this by-law in respect only of the period from the beginning of the current year or from the date of deposit as the case may be, upto the date on which the amount standing at the credit of the subscriber became payable.

#### CIRCUMSTANCES IN WHICH ACCUMULATIONS ARE PAYABLE

13. When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under by-law 15, become payable to him.

14. Subject to any deduction under by-law 15, on the death of a subscriber before the amount standing to his credit has become payable, or, where the amount has become payable, before payment has been made—

(1) When the subscriber leaves a family—

(a) If a nomination made by the subscriber in accordance with the provisions or by-law 6 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination and in the event of such nominee or nominees predeceasing the subscriber, the said amount shall become payable to the alternative nominee or nominees in the manner indicated in the declaration form.

(b) If no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person other than a member of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to:—

- (i) sons who have attained majority;
- (ii) sons of a deceased son who have attained majority;
- (iii) married daughters whose husbands are alive;
- (iv) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (i), (ii), (iii) and (iv):

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received, if he had survived the subscriber and had been exempted from the provisions of sub-clause (i) of the first proviso.

(2) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of by-law 6 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination, and in the event of such nominee or nominees predeceasing the subscriber, the said amount shall become payable to the alternative nominee or nominees in the manner indicated in the declaration form.

#### DEDUCTIONS

15. Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under by-law 11 before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Board may direct the deduction therefrom and payment to the Board of:—

- (a) any amount if a subscriber has been dismissed from the service for grave misconduct;

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Fund;

- (b) any amount, if a subscriber resigns his employment under the Board within five years of the commencement thereof otherwise than by reason of superannuation or a declaration by competent medical authority that he is unfit for further service.
- (c) any amount due under a liability incurred by the subscriber to the Board.

#### PAYMENT

16. (1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under by-law 15, becomes payable, it shall be the duty of the Secretary after satisfying himself, when no such deduction has been directed under that by-law, that no deduction is to be made, to make payment as provided for in these by-laws.

(2) Any person who desires to claim payment under this by-law shall send a written application in that behalf to the Secretary.

#### ADVANCES FROM THE FUND

17. A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the Secretary subject to the following conditions:—

(a) No advance shall be granted unless the Secretary is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise—

- (i) to pay expenses incurred in connection with the prolonged illness of the applicant or any person actually depending on him;
- (ii) to pay for the overseas passage for reasons of health or education of the applicant or any person actually depending on him;
- (iii) to pay obligatory expenses on a scale appropriate to the applicant's status in connection with marriages, funerals, or ceremonies which by his religion it is incumbent on him to perform.

(b) An advance shall not, except for special reasons, exceed three months' pay and shall, in no case, exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

(c) An advance shall not, except for special reasons, be granted until at least twelve months after the final repayment of all previous advances together with interest thereon, unless the amount already advanced does not exceed two-thirds of the amount admissible under clause (b).

(d) The Secretary shall record in writing his reason for granting the advance: Provided that if the reason is of a confidential nature it may be communicated to the Secretary personally and/or confidentially.

18. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Secretary may direct, but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option make repayments in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner provided in by-law 10 and shall commence from the first occasion after the advance is made, on which the subscriber draws emoluments, other than the leave salary, for a full month. Recoveries shall not be made, except with the subscriber's consent while he is on leave and may be postponed by the Secretary during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal but, if the period referred to in sub-clause (a) exceeds twenty months, interest may, if the subscriber so desires, be

recovered in two equal monthly instalments. The method of recovery shall be that provided in clause (2). Payments shall be rounded to the nearest anna in the manner provided in clause (3) of by-law 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with interest at the rate provided in by-law 12(1), forthwith be repaid by the subscriber to the Fund or in default, be ordered by the Secretary to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the Secretary.

(6) Recoveries made under this by-law shall be credited, as they are made, to the subscribers' account in the Fund.

#### PROCEDURE

19. (1) All sums paid into the Fund under these by-laws shall be accounted for in the Books of the Board in an account named "The Coir Board Contributory Provident Fund".

(2) Such accounts shall be examined and audited annually by the auditors appointed by the Government under the Act.

(3) All expenses of the Fund shall be met by the Board from the income of the Fund.

(4) The custody and disbursal of the Fund shall be regulated in accordance with by-laws 21, 22 and 23 of the Coir Board (Transaction of Business, Conditions of service of employees and maintenance of Accounts) By-Laws, 1955.

20. (1) As soon as possible after the 31st March of each year, the Secretary shall send to each subscriber a statement of his account in the Funds, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on 31st March of the year and the closing balance of that date. The Secretary shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alteration in any nomination made under by-law 6;

(b) has acquired a family (in case where the subscriber has made no nomination in favour of a member of his family under clause (2) of by-law 6).

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Secretary within one month from the date of receipt of the statement.

21. All applications under these by-laws shall be addressed to the Secretary, Coir Board.

22. Every subscriber shall sign an agreement set forth in the third Schedule annexed to these by-laws agreeing to abide and bound by these by-laws.

23. (1) The Fund shall be wound up on the dissolution of the Board.

(2) On the winding up of the Fund, the assets shall be realised and distributed amongst subscribers in accordance with their accounts.

#### FIRST SCHEDULE

*Vide* By-Law 6(3)

##### *Forms of Nomination*

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Contributory Provident Fund Rules, (India) to receive the amount that may stand to

my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid :—

Name & address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber
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Date this ..... day of ..... 19  
at .....

Signature of Subscriber .....

Two witnesses to signature :—

1.....  
2.....

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family as defined in § 2 of the Contributory Provident Fund Rules (India) to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name & address of nominees	Relationship with subscriber	Age	Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid.	Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
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Dated this ..... day of ..... 19  
at .....

Signature of Subscriber .....

Two witnesses to signature :—

1.....  
2.....

NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

## SECOND SCHEDULE

[Vide By-law 6(3)]

## Forms of Nomination

I. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 2 of the Contributory Provident Fund Rules (India) hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name & address of nominee.	Relationship with subscriber.	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this ..... day of ..... 19

at.....

Signature of Subscriber.....

Two witnesses to signature : -

1. .....  
2. .....

NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family

II. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in rule 2 of the Contributory Provident Fund Rules (India) hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name & address of nominees.	Relationship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	Contingencies** on the happening of which the nomination shall become invalid.	Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this ..... day of ..... 19

at.....

Signature of Subscriber .....

Two witnesses to signature :

1. .....  
2. .....

\*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

\*\*NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

## THIRD SCHEDULE

(Vide By-law 22)

*Form of Agreement.*

I hereby declare that I have read the Coir Board Provident Fund by-laws, and that I agree to abide and be bound by them.

Date..... day of..... 19..... at.....  
 Name in Full.....  
 Date of birth.....  
 Date of joining appointment.....  
 Salary per mensem..... Rupees

Signature.....

Station.....  
 Date.....

Two witnesses to Signature.

ERNAKULAM ; }  
 Date,

Secretary.

[No. 42.LI(B)(31)/55.]

P. C. ALEXANDER, Dy. Secy.

New Delhi, the 11th June, 1956

**S.R.O. 1367.**—The following amendment in the Central Tea Board (Provident Fund) By-laws, 1952, made by the Tea Board in exercise of the powers conferred by sub-section (1) of section 50 of the Tea Act, 1953 (29 of 1953), is hereby confirmed by the Central Government as required by sub-section (2) of the said section and published for general information, namely:—

To by-law 4 of the said by-laws, the following further proviso shall be added at the end, namely:—

“Provided further that no person, who has retired from Government Service on a retiring or superannuation pension, shall, if he is re-employed in a post under the Board, be eligible to subscribe to the Fund without the previous sanction of the Central Government.”

[No. 47(6)Plant/56.]

## RUBBER CONTROL

New Delhi, the 12th June 1956

**S.R.O. 1368.**—In exercise of the powers conferred by clause (a) of sub-section (4) of section 12 of the Rubber Act, 1947 (XXIV of 1947), the Rubber Board hereby fixes the periods from 1st April 1956 to 30th September, 1956, and from 1st October 1956 to 31st March, 1957, as the periods in respect of which assessment shall be made for the period 1st April, 1956 to 31st March, 1957 of the amount of duty of excise fixed under the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1664, dated the 1st August, 1955.

KOTTAYAM;

The 22nd May, 1956.

N. KRISHNA PILLAI,  
 Secretary.

[No. 20(5)Plant/56.]

P. V. RAMASWAMY, Under Secy.

*New Delhi, the 13th June, 1956*

**S.R.O. 1369.—ESS.COMM/IRON&STEEL-2(c)/AM(2).**—In exercise of the powers conferred by sub-clause (c) of Clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1112/ESS.COMM/IRON&STEEL-2(c), published in the Gazette of India, Part II, Section 3, dated the 12th May, 1956, as amended from time to time, namely:—

In the Schedule annexed to the said Notification for the entries—

<b>“BILASPUR</b>	<b>1.</b>	Civil Supplies Officer Bilaspur, Simla Hills.	<b>4, 5, 18, 20, 24 (b), 24 (c)</b> <b>&amp; 24(d).</b>
<b>HIMACHAL PRADESH</b>	<b>1.</b>	Director of Civil Supplies, Himachal Pradesh, Simla.	<b>4, 5 and 23.</b>
	<b>2.</b>	District Agricultural Officers, Govt. of Himachal Pradesh, Simla.	<b>28(b) &amp; (c) (For Iron and Steel only).</b>

The following entries, in the respective columns, shall be substituted, namely :—

<b>“Himachal Pradesh</b>	<b>1.</b>	Director of Civil Supplies, Himachal Pradesh, Simla.	<b>4, 5, 18, 20, 23, 24(b), 24(c) and 24(d).</b>
	<b>2.</b>	District Agricultural Officers, Govt. of Himachal Pradesh.	<b>4, 5 and 28(b) &amp; (c) (For Iron and Steel only)</b>
<b>3.</b>	<b>District Cooperative and Supplies Officers, Government of Himachal Pradesh.</b>		<b>4, 5, 18, 20, 24(b), 24(c) and 24(d).</b>

[No. SC(A)-4(253/B.)

**S.R.O. 1370.—ESS.COMM/IRON & STEEL-2(c)/Am(1).**—In exercise of the powers conferred by sub-clause (c) of Clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1112/ESS.COMM/IRON&STEEL-2(c), published in the Gazette of India, Part II, Section 3, dated the 12th May, 1956, namely:—

In the Schedule annexed to the said notification, in Column 2 thereof, against PUNJAB, for the entry—

“2. Deputy Director, Controlled Commodities, Government of Punjab, Simla.”, the following entry shall be substituted—

“2. Deputy Director, Supplies, Government of Punjab, Simla.”

[No. I&S(A)-4(253).]

P. S. V. RAGHAVAN, Under Secy.

*New Delhi, the 16th June, 1956*

**S.R.O. 1371.**—In exercise of the powers conferred upon me by clause 4 of the Cotton Control Order, 1955 (notification No. S.R.O. 2308, dated the 13th October, 1955) and in supersession of notification No. S.R.O. 1613, dated the 22nd July 1955, I hereby prescribe that contracts for the sale or purchase of Indian cotton produced during the cotton season 1955-56, shall be subject to the following restrictions and conditions, namely:—

- (1) No person shall enter into a contract for the sale or purchase of cotton at a price less than the minimum price or more than the maximum price as fixed by the Textile Commissioner under clause 3 of the said Order in respect of Indian cotton produced during the cotton season 1955-56, as applicable to the subject matter of the contract, having regard to the place of delivery thereunder;
- (2) No person shall enter into a contract of sale with an overseas buyer for the purposes of export unless he holds a valid export licence;

(3) Every contract in which the final price is not named shall be construed as if the following clause was inserted therein, namely:—

the price payable shall be within the range of the minimum and the maximum prices fixed by the Textile Commissioner under clause 3 of the Cotton Control Order, 1955, in respect of Indian cotton produced during the cotton season 1955-56

Sd./-V. NANJAPPA,  
Textile Commissioner.

[No. 24(22)-CT(A)/55-7.]

#### CORRIGENDUM

New Delhi, the 9th June, 1956

**S.R.O. 1372.**—In the Ministry of Commerce and Industry's Notification No. S.R.O. 2243 dated the 6th October, 1955, published at pages 2219—2225 of the Gazette of India, Extraordinary, Part II—Section 3, dated the 8th October, 1955:—

(i) at page 2225, for "Rs. 20" printed in the entry against item (viii) in Note 2, read "Rs. 50".

Sd./-V. NANJAPPA,  
Textile Commissioner.

[No. 24(23)-CT(A)/55-3.]

S. A. TECKCHANDANI Dy. Secy.

#### ORDER

New Delhi, the 11th June, 1956

**S.R.O. 1373.—IDRA/6/2/Am(4).**—In pursuance of rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri K. C. Maitra, Messrs. Sankey Electrical Stampings Ltd., Bombay, as a member of the Development Council established for the scheduled industries engaged in the manufacture and production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), in place of Mr. A. R. Driessens, who has resigned, and directs that the following amendment shall be made in the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 354/IDRA/6/2, dated the 1st February 1955, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said schedule industries," for entry No. 5A, the following entry shall be substituted, namely:—

"5A. Shri K. C. Maitra, Messrs. Sankey Electrical Stampings Ltd., Bombay."

[No. 5(16)IA(GB)/56.]

R. N. KAPUR, Under Secy.

#### MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 4th June 1956

**S.R.O. 1374.**—In pursuance of the provisions of sub-section (s) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the Central Government is pleased to notify the appointment of Shri A. Balarami Reddy, Member, Rajya Sabha, as a member of the Indian Central Oilseeds Committee vice Shri Valiuri Venketaramana.

[No. 6-12/56-Com.I.]

## CORRIGENDUM

## (Agriculture)

New Delhi, the 11th June, 1956

**S.R.O. 1375.**—In this Ministry Notification of even number, dated the 25th May, 1956; for the words within brackets appearing under the heading "Schedule" substitute the following:—

"(Information to be furnished by Ginning and Pressing Factories. Factories which do not intend to work during 1956-57 season must clearly mention so at the top of this form)".

[No. F.1-87/56-Com.II.]

MOKAND LALL, Under Secy.

## MINISTRY OF HEALTH

New Delhi, the 6th June 1956

**S.R.O. 1376.**—In pursuance of clauses (8) and (13)(b) of rule 2 of the Indian Port Health Rules, 1955, the Central Government hereby declares the diseases mentioned below to be infectious diseases, and the period of incubation in respect of these shall be as indicated against each, namely:—

Infectious diseases	Period of incubation
Chickenpox	14 days.
Cerebrospinal meningitis	10 days.
Diphtheria	7 days.
Influenza Pneumonia	5 days.

[No. F.15-2/56-IH.]

A. T. SESHADRI, Under Secy.

New Delhi, the 6th June 1956

**S.R.O. 1377.**—The following draft of a further amendment to the Drugs Rules, 1945, which the Central Government proposes to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940) (consequent on the proposal to notify under sub-clause (ii) of clause (b) of section 3 of the said Act the substances specified below to be drugs), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 6th September, 1956.

(a) Chemical contraceptives.

(b) The following Insecticides:—

(i) Benzene Hexachloride and its preparations.

(ii) Dicophane (Dichloro Diphenyl Trichlorethane) and its preparations.

(iii) Pyrethrum and its preparations.

2. Any objections or suggestions which may be received from any person in respect of the said draft before the date specified above will be considered by the Central Government.

## DRAFT AMENDMENTS

In the said Rules, after rule 124, the following rule shall be added, namely:—

"125(a) Standards for substances (other than food) intended to affect the structure or any function of the human body.

*Chemical Contraceptives.*

The standards for these shall be the formula approved as safe by the Central Government and displayed in the prescribed manner on the label on the container.

(b) Standards for substances intended to be used in the destruction of vermin or insects which cause disease in human beings or animals.

*Insecticides.*

The standards for these substances shall be the standards of identity, purity and strength prescribed in the British Pharmacopoeia or the British Pharmaceutical Codex or any other prescribed pharmacopoeia or the formula or list of ingredients displayed in the prescribed manner on the label on the container".

[No. F.1-44/55-D.]

T. V. ANANTANARAYANAN, Under Secy.

New Delhi, the 8th June 1956

**S.R.O. 1378.**—It is hereby notified for general information that in partial modification of this Ministry's notification No. F.4-1/54-LSG dated the 24th March, 1954 and in exercise of the powers conferred by clause (e) of sub-section (1) of section 3 of the Delhi Joint Water and Sewage Board Act, 1926, (XXIII of 1926) read with sub-rule (1) of rule 8 of the rules made thereunder, the Central Government have nominated Dr. M. S. Chandra, Director of Health Services, Delhi State, as a member of the Board in place of Shri Balbir Singh Saigal, Superintending Engineer, (Delhi State), who has resigned with effect from the 22nd March, 1956.

[No. F.37-24/56-LSG.]

A. V. VENKATASUBBAN, Dy. Secy.

**MINISTRY OF TRANSPORT**

(Transport Wing)

PORTS

New Delhi, the 8th June 1956

**S.R.O. 1379.**—In pursuance of sub-section (3) of Section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby publishes the following return received from the Secretary, Bombay Chamber of Commerce, namely:—

*Return showing the name of the gentleman elected by the Bombay Chamber of Commerce in accordance with the provisions of the Bombay Port Trust Act, 1879 to be a member of the Board of Trustees of the Port of Bombay during the absence on leave of Shri S. M. Scott.*

Date of election

Name of the gentleman

Panel of Commercial interests represented

28th May, 1956.

Shri B. W. Malcolm.

Oil

[No. 8.C-PI(61)/56]

K. BALAKRISHNAN Under Secy.

(Transport Wing)

New Delhi, the 11th June, 1956

**S.R.O. 1380.**—In exercise of the powers conferred by section 52 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby makes the following further amendment in the Delhi Road Transport Authority (Functions and Duties of the General Manager and Chief Accounts Officer) Rules, 1952, namely:—

For sub-rule (2) of rule 4 of the said Rules the following shall be substituted namely:—

"(2) The Chief Accounts Officer shall give his comments on every new proposal having a financial implication going before the General

Manager and his views on such proposal shall not be over-ruled except with the permission of the Authority. He shall also have the right to refer to the Authority any matter having a financial implication which, in his opinion, ought to be brought to its notice".

[No. 18-TAG(23)/54.]

K. NARAYANAN, Dy. Secy.

**MINISTRY OF WORKS, HOUSING AND SUPPLY**

*New Delhi, the 7th June 1956*

**S.R.O. 138r**—In pursuance of sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) the Central Government hereby appoints the officers specified in column 1 of the table below as officers to whom notice of orders attaching the salaries and allowances of the officers specified in the corresponding entries in column 2 of the said table shall be sent.

**TABLE**

<i>Officers to whom notice should be sent</i>	<i>Officers whose salaries and allowances are attached</i>
Accountant General, Central Revenues, New Delhi	Gazetted Officers in the Department of Explosives, New Delhi.
Deputy Chief Inspector of Explosives, Department of Explosives, New Delhi,	Non-Gazetted Officers in the Department of Explosives, New Delhi.
Accountant General, Bombay . . . . .	Gazetted Officers in the office of the Inspector of Explosives, West Circle, Bombay.
Inspector of Explosives, West Circle, Bombay	Non-Gazetted Officers in the office of the Inspector of Explosives, West Circle, Bombay.
Accountant General, West Bengal, Calcutta	Gazetted Officers in the office of the Inspector of Explosives East Circle, Calcutta.
Inspector of Explosives, East Circle, Calcutta . . .	Non-Gazetted officers in the office of the Inspector of Explosives, East Circle Calcutta.
Accountant General, Madras . . . . .	Gazetted Officers in the Office of the Inspector of Explosives, South Circle, Madras.
Inspector of Explosives, South Circle, Madras	Non-Gazetted Officers in the office of the Inspector of Explosives, South Circle, Madras.
Accountant General, Uttar Pradesh, Allahabad	Gazetted Officers in the office of the Inspector of Explosives, North Circle, Agra.
Inspector of Explosives, North Circle, Agra . . . . .	Non-Gazetted Officers in the office of the Inspector of Explosives , North Circle Agra.
Accountant General, Madhya Pradesh, Nagpur	Gazetted Officers in the office of the Inspector of Explosives, Central Circle Nagpur.
Inspector of Explosives, Central Circle, Nagpur	Non-Gazetted Officers in the office of the Inspector of Explosives, Central Circle, Nagpur.
Pay and Accounts Officer, Ministry of Works, Housing and Supply, New Delhi.	Gazetted Officers in the Petroleum Division, New Delhi.
Deputy Petroleum Officer, Petroleum Division, New Delhi.	Non-Gazetted Officers in the Petroleum Division, New Delhi.

[No. S&PII-Exp-17(6)56.]

C. A. SUBRAHMANYAM, Dy. Secy.

*New Delhi, the 7th June 1956*

**S.R.O. 1382.**—In pursuance of clause (a) of Section of the Government Premises (Eviction) Act, 1950, (XXVII of 1950), the Central Government hereby authorises all Regional Settlement Commissioners, all Additional Regional Settlement Commissioners and all Managing Officers under the Ministry of Rehabilitation, within their respective jurisdictions to perform the functions of a competent authority under the said Act in respect of the acquired evacuee property and the Government built property of the Central or State Governments in connection with the rehabilitation of displaced persons.

[No. 13/5/56-WII.]

*New Delhi, the 11th June 1956*

**S.R.O. 1383.**—In exercise of the powers conferred by section 8 of the Government Premises (Eviction) Act (XXVII of 1950), the Central Government hereby directs that the power conferred upon it to hear appeals under section 5 of the said Act shall, in relation to an appeal from an order of a Regional Settlement Commissioner, an Additional Regional Settlement Commissioner or a Managing Officer under the Ministry of Rehabilitation be exercisable by the Chief Settlement Commissioner under the Ministry of Rehabilitation.

[No. 13/5/56-WII-A.]

M. S. RAM, Dy. Secy.

## MINISTRY OF COMMUNICATIONS

### ORDER

*New Delhi, the 6th June 1956*

**S.R.O. 1384.**—In pursuance of rule 160 of the Indian Aircraft Rules, 1937, the Central Government is pleased to extend for a further period upto the 31st December 1956, the exemption granted in the order of the Government of India in the Ministry of Communications No. 10-A/2-51, dated 14th March 1952, to Indian registered aircraft engaged in international public transport from the operation of clause (a) of sub-rule (4) of rule 38 of the said Rules, subject to the conditions specified at (ii) to (vi) in the said order.

2. This exemption shall apply to flight between India and Pakistan, Nepal or Ceylon or such other destination as may be approved by the Director General of Civil Aviation.

[No. 10-A/1-56.]

D. R. KOHLI, Under Secy.

## MINISTRY OF REHABILITATION

*New Delhi, the 5th June 1956*

**S.R.O. 1385.**—In exercise of the powers conferred by section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following amendment shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely:—

In sub-rule (7) of rule 31 of the said Rules, the figure '5' shall be omitted.

[No. 42-I(25)/55-Prop.I.]

J. J. KARAM, Under Secy.

*New Delhi, the 6th June 1956*

**S.R.O. 1386.**—In pursuance of sub-section (1) of Rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, (V of 1908), the Central Government hereby appoints the officers specified in column (1) of the table

below as officers to whom notices of termination of the salaries and allowances of the officers specified in the said table shall be sent:—

TABLE

Officers to whom notices should be sent.	Officers whose salaries and allowances are attached.
(1)	(2)
Pay and Accounts Officer, Ministry of Rehabilitation, New Delhi.	Gazetted Officers in the Ministry of Rehabilitation (Main Secretariat) New Delhi.
Under Secretary (Administration) Ministry of Rehabilitation (Main Secretariat), New Delhi.	Non-gazetted officers in the Ministry of Rehabilitation (Main Secretariat), New Delhi.

[No. F.5/18/56-Admn.]

K. P. MISRA, Under Secy.

*New Delhi, the 7th June, 1956.*

**S.R.O. 1387.**—In exercise of the powers conferred by section 52 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby declares that with effect from the date of this notification the provisions of the said Act shall cease to apply to or in relation to the class of property described in the Schedule.

#### THE SCHEDULE

Any agricultural land or a kutha house situated in the Alwar or Bharatpur district of the State of Rajasthan, the possession of which has been restored to any Meo belonging to either of the said districts who migrated to Pakistan, but who returned to India before the 18th day of October 1949 for permanent re-settlement in India.

[No. 2(176)/52-Prop.I.]

P. G. ZACHARIAH, Dy. Secy.

*New Delhi, the 8th June, 1956.*

**S.R.O. 1388.**—In this Ministry's Notification No. 10/16/56-SII dated the 22nd May, 1956, for "Shri Roop Chandra" appearing as the name of the Custodian of Evacuee Property, Uttar Pradesh, read "Shri Rup Chandra".

[No. 10/16/56-S.II.]

*New Delhi, the 11th June, 1956*

**S.R.O. 1389.**—In exercise of the powers conferred by sub-section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri G. B. Lalwani, as Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his office.

[No. 5/19/56-SII(II).]

KULWANT SINGH, Under Secy.

#### MINISTRY OF LABOUR

*New Delhi, the 6th June 1956.*

**S.R.O. 1390.**—In exercise of the powers conferred by sub-section (5) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the

Central Government hereby makes the following further amendment in the Dock Workers (Advisory Committee) Rules, 1949, namely:—

After rule 5 of the said rules the following rule shall be inserted, namely:—

**“5-A. Reconstitution of the Committee.—**The Central Government may reconstitute the Committee under rule 3 as amended by the notification of the Government of India in the Ministry of Labour No. S.R.O. 1276, dated the 23rd May, 1956 and when the Committee is so reconstituted, the term of office of the members of the Committee then existing shall expire”.

[No. DC-106.]

K. N. NAMBIAR, Dy. Secy.

*New Delhi, the 6th June, 1956*

**S.R.O. 1391.**—In pursuance of sub-clause (3) of clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, the Central Government has appointed Shri Ph. H. Rogaar with effect from the 11th May, 1956, as a member of the Calcutta Dock Labour Board in the vacancy caused by the resignation of Shri W. R. B. Sample with effect from that date, and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1908, dated the 7th September, 1955, namely:—

“*Members representing the employers of dock workers and shipping companies.*”

For item (3), the following item shall be substituted, namely:—

“(3) Shri Ph. H. Rogaar, Representative of the Calcutta Liners’ Conference, Calcutta/U.S.A. Conference, Calcutta continental Conference and the Bay of Bengal/Japan/Bay of Bengal Conference”.

[CDLB(2)(4)56.]

[F. No. Fac. 74(64)/56.]

*New Delhi, the 9th June 1956*

**S.R.O. 1392.**—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the following public institution, namely:—

“The Madras Dock Labour Board, established under the Madras Dock Workers (Regulation of Employment) Scheme, 1952”.

[No. Fac.76(16)(i).]

**S.R.O. 1393.**—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Central Government hereby directs that the provision of the said Act shall apply to the Provident Funds established for the benefit of the employees of the Madras Dock Labour Board including the employees of the Administrative Body established under the Madras Dock Workers (Regulation of Employment) Scheme, 1952, and the reserve pool workers registered under the said Scheme.”

[No. Fac.76(16)(ii).]

**S.R.O. 1394.**—Whereas the Central Government is satisfied that the employees in the Repairs and Maintenance Workshop belonging to the Overseas Communications Service, Central Telegraph Office, Bombay, under the Government of India in the Ministry of Communications are in receipt of benefits substantially similar or superior to the benefits provided under the Employees’ State Insurance Act, 1948 (XXXIV of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, the Central Government hereby exempts the said factory from all the provisions of the said Act for a further period of one year with effect from the 23rd June, 1956.

[No. F.HI-6(87)/56.]

*New Delhi, the 11th June, 1956*

**S.R.O. 1395.**—Whereas the Central Government is satisfied that the employees in each of the workshops of the Central Tractor Organisation at New Delhi and Bairagarh under the Ministry of Food and Agriculture, are in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (XXXIV of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, the Central Government hereby exempts each of the said workshops from all the provisions of the said Act for a further period of one year with effect from the 7th July, 1956, in continuation of Notification of the Government of India in the Ministry of Labour No. S.R.O. 1546, dated the 7th July, 1956.

[No. F.SS.138(21)Pt.II.]

*New Delhi, the 12th June, 1956*

**S.R.O. 1396.**—Whereas the Central Government is satisfied that the employees in the Transport Depot of the Commissioners for the Port of Calcutta are in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (XXXIV of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, the Central Government hereby exempts the said Depot from all the provisions of the said Act.

[No. HI-6(35)/56.]

B. R. KHANNA, Under Secy.

*New Delhi, the 6th June 1956*

**S.R.O. 1397.**—In pursuance of paragraph of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri N. C. Maitra, Deputy Secretary to the Government of West Bengal, Labour Department, to be the member of the Regional Committee for the state of West Bengal and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278, dated the 27th June, 1953, namely:—

In the said notification, for item(2), the following item shall be substituted, namely:—

“(2) Shri N. C. Maitra, Deputy Secretary to the Government of West Bengal, Labour Department, Calcutta.”

[PF. 45(12)/56.]

**S.R.O. 1398.**—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby makes the following further amendments in the Coal Mines Provident Fund Scheme, namely:—

In the said Scheme, to sub-paragraph (3) of paragraph 33, the following proviso shall be added, namely:—

“Provided that the Commissioner may direct that any payment under this paragraph shall be made in one or the other modes specified in clauses (i) to (iv) of sub-paragraph (3) of paragraph 33A of this Scheme.”

[PF. 2(104)/56.]

**S.R.O. 1399.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri Ved Prakash Mahajan, Provident Fund Inspector, to be an Inspector for the State of Punjab and Himachal Pradesh for the purposes of the said Act and of any Scheme framed thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[PF. 31(188)/56.]

New Delhi, the 11th June, 1956

**S.R.O. 1400.**—In pursuance of Paragraph 3(1)(d) of the Employees' Provident Funds Scheme, 1952, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification for item 10, the following item shall be substituted, namely:—

“10. Shri P. K. Mistry, The Associated Cement Companies Ltd., 1, Queens Road, Bombay-1.”

[No. PF-33(16)56.]

**S.R.O. 1401.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952) and in supersession of notification of the Government of India in the Ministry of Labour No. PF-516 (184)(1), dated the 28th September 1954, the Central Government hereby appoints Shri A. Ramamurthi, Labour Commissioner, Andhra, to be an Inspector for the whole of the State of Andhra for the purposes of the said Act and of any scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-31(210)/56.]

**S.R.O. 1402.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the Hongkong and Shanghai Banking Corporation, Calcutta, and its workmen.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 25 of 1955.

##### PRESIDENT:

Shri P. S. Bindra, B.A., LL.B., *Chairman.*

##### PARTIES:

The management in relation to the Hongkong and Shanghai Banking Corporation Post Box No. 158, Calcutta.

AND

Their workmen represented by Hongkong and Shanghai Banking Corporation (Calcutta Branch) Indian Staff Union.

##### APPEARANCES:

Shri Dhirendra Nath De, Secretary, Hongkong and Shanghai Banking Corporation (Calcutta Branch) Indian Staff Union, 31, Dalhousie Square, Calcutta and Shri Pravat Kar, President, Bengal Provincial Bank Employees Association—for the workmen.

No appearance on behalf of the management.

##### AWARD

The Central Government in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), has referred the industrial dispute between the management in relation to the Hongkong & Shanghai Banking Corporation, Calcutta and the Hongkong and Shanghai Banking Corporation, (Calcutta Branch) Indian Staff Union, relating to the termination of services of Shri Kartick Chandra Seal, to this Tribunal by virtue of Government Notification No. LR.100(21)/55, dated the 5th October, 1955.

2. Usual notices were issued and the parties filed their respective written statements. The case was fixed for final disposal for 28th May 1956 at the Central Government Hostel, Alipore, Calcutta. On the date of hearing Shri Kartick Chandra Seal appeared along with Shri Dhirendra Nath De, Secretary, Hongkong and Shanghai Banking Corporation (Calcutta Branch) Indian Staff Union and Shri Pravat Kar, President, Bengal Provincial Bank Employees Association. No body appeared on behalf of the management, Shri Mullik, solicitor of Messrs. Sanderson Morgan Solicitors, was present who stated that he would represent the management and prayed that the case be adjourned to next day. He had no

power of attorney and the union also objected to the appearance of a lawyer. Under the circumstances, the union prayed that *ex parte* proceedings to be taken against the management. I however adjourned the case to 29th May and it was fixed at 11.30 a.m., at the request of Shri Mullik, who undertook to inform the management. On the 29th May, 1956, the case was called at 11.30 a.m., but though the workman concerned was present along with Shri Dhirendra Nath De and Shri Pravat Kar, but no body appeared on behalf of the management. The case was adjourned for half an hour to await the arrival of any body on behalf of the management, but none turned up, so *ex parte* proceedings were taken against the management.

3. Shri Kartick Chandra Seal joined the service of the Bank as a temporary Sircar on 22nd December, 1952, and was served with a notice of discharge on 25th February, 1955, terminating his services with effect from 28th February, 1955. He was allowed to have one month's salary in lieu of notice. The case of the management is that as he was a temporary Godown Sircar, so the Bank could terminate his services without assigning any reason. It was also stated in the written statement that his services were terminated on account of the closure of the particular section of work for which temporary Godown Sircars were required, this fact has however not been established. On the other hand it has been proved by the union that Shri Anil Chandra Bhor was recruited by the Bank on 1st March, 1955 as a poddar in cash department. Shri Kartick Chandra Seal had been in service of the Bank for more than two years and his services could not be dispensed with, without making out a case for retrenchment, which the management has failed to do. Under the circumstances the notice of termination of services is illegal and he is entitled to continue in the service of the Bank. Even after the service of the notice he has been attending the office all along and the Bank has been paying his wages.

I pass my award accordingly.  
The 30th May, 1956.

(Sd.) P. S. BINDRA, *Chairman*,  
Central Government's Industrial Tribunal, Dhanbad.

[No. LR-100(21)/55.]

R. C. SAKSENA, Under Secy.

#### ORDERS

New Delhi, the 6th June, 1956

**S.R.O. 1403.**—Whereas the Central Government is of opinion that an industrial dispute exists or is apprehended between the employers in relation to the mica mines of Messrs. Duduwala and Company, Bhilwara, and their workmen in respect of the matters specified in the Schedule hereto annexed,

And Whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7 and clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), and in supersession of the Order of the Government of India in the Ministry of Labour No. S.R.O. 2170 dated the 27th September, 1955, the Central Government hereby constitutes an Industrial Tribunal of which Shri Anand Narain Kaul, R.J.S. (Higher), Judge, Industrial Tribunal, Rajasthan, Jaipur, shall be the sole member and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

1. Bonus at the rate of four months' wages for the year 1951-52 and 1952-53.
2. Quarterly bonus of 15 days wages per quarter for the year 1945-46 to 1947-48.
3. Increased wages for cutters, underground workers and surface workers.
4. Grant of annual increments and refixation of pay.
5. Grant of one month's privilege leave and 15 days casual leave in a year to the monthly paid staff.

[No. LR-2(50)/55.]

New Delhi, the 9th June 1956

**S.R.O. 1404.**—Whereas the Central Government is of opinion that an industrial dispute exists between the Punjab and Sind Bank, Limited, and its workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication:

Now, therefore, in exercise of the powers conferred by section 7 read with section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Rameshwar Dayal, Additional District and Sessions Judge, Delhi, shall be the sole Member and refers to him the said dispute for adjudication.

#### SCHEDULE

Alleged wrongful termination of the services of Sarvashri Harbhajan Singh, Prem Singh and Harnam Singh and the relief, if any, to which they are entitled.

[No. LR-10(10)56.]

R. C. SAKSENA, Under Secy.

#### MINISTRY OF INFORMATION AND BROADCASTING

New Delhi the 6th June, 1956

**S.R.O. 1405.**—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (3) of rule 10 of the Cinematograph (Censorship) Rules, 1951, and in supersession of the Notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 943, dated the 16th April, 1956, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors Shri Radha Raman, M.P. as a member of the Advisory Panel of the said Board at Bombay with effect from the 1st March, 1956.

[No. 14/1/55-FC.]

**S.R.O. 1406.**—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (3) of rule 10 of the Cinematograph (Censorship) Rules, 1951, and in supersession of the Notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 872, dated the 6th April, 1956, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors Shrimati Dr. Seeta Parmanand, M.P., as a member of the Advisory Panel of the said Board at Calcutta with effect from the 1st March, 1956.

[No. 14/1/55-FC.]

New Delhi, the 8th June 1956

**S.R.O. 1407.**—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (3) of rule 10 of the Cinematograph (Censorship) Rules, 1951, and in supersession of the Notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 1005, dated the 23rd April 1956, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors Shri Tajamul Hussain, as a member of the Advisory Panel of the said Board at Calcutta with effect from the 1st March, 1956.

[No. 14/1/56-FC.]

**S.R.O. 1408.**—It is hereby notified for general information that Shri M. N. Kapur, a member of the Advisory Panel of the Central Board of Film Censors at Madras shall retire under sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, with effect from the 12th June, 1956.

[No. 14/1/56-FC.]

**S.R.O. 1409.**—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (3) of rule 10 of the Cinematograph (Censorship) Rule, 1951, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors Shri M. N. Kapur as a member of the Advisory Panel of the said Board at Madras with effect from the 12th June 1956.

[No. 14/1/56-FC.]

**S.R.O. 1410.**—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (3) of rule 10 of the Cinematograph (Censorship) Rules, 1951, and in supersession of the Notification of the Government of India in the Ministry of Information and Broadcasting Nos. S.R.O. 1006, 1115 and 1177 dated the 23rd April, 30th April, and 10th May, 1956 respectively, the Central Government hereby re-appoints after consultation with the Central Board of Film Censors the following persons as members of the Advisory Panel of the said Board at Bombay with effect from the dates indicated against their names:—

1. Shri Krishna Kripalani—1st March, 1956.
2. Shrimati Gopa Bhardwaj—4th March, 1956.
3. Shri A. N. Basu—1st March, 1956.

[No. 14/1/56-FC.]

D. R. KHANNA, Under Secy.